

Appl. No. 10/547,721
Amdt. dated December 10, 2010
Reply to Office Action mailed June 10, 2010

REMARKS/ARGUMENTS

Claims 1 and 3 are pending. Claims 1 and 3 have been amended herein. Claims 2 and 4-28 have been cancelled without intending to abandon or to dedicate to the public any patentable subject matter. Claim 1 has been amended to recite an alkaline earth carbonate, activated carbon and water in contact with the anode, and carbon dioxide and oxygen in contact with the cathode in an arrangement wherein the fuel cell is operative at a temperature of between about 135°C and about 170°C. Support for this amendment can be found at least at page 9, line 3 through page 10, line 8 of the specification, as filed.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claims 1 and 6 under 35 U.S.C. § 102(b) as being anticipated by **Ishida** (U.S. Patent No. 4,711,828). Claim 1 has been amended to recite a fuel cell having an alkaline earth carbonate and a ceramic cloth. Ishida does not disclose a fuel cell including an alkaline earth carbonate and/or a ceramic cloth. Therefore, Applicant submits that the pending claims, as amended, are not anticipated by Ishida.

The Examiner has also rejected Claims 1 and 6 under 35 U.S.C. § 102(b) as being anticipated by **Berger** (U.S. Patent No. 3,497,389). Similar to Ishida, Berger does not disclose a fuel cell including an alkaline earth carbonate and/or a ceramic cloth.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claims 1-3 and 5 under 35 U.S.C. § 103(a) as being obvious over **Pesavento** (U.S. Patent No. 6,200,697) in view of **Ishida** or **Berger**. As noted above Claim 1 has been amended to recite a fuel cell having an alkaline earth carbonate and a ceramic cloth. Neither Pesavento, Ishida nor Berger teaches or suggests the manufacture or use of a fuel cell including an alkaline earth carbonate and/or a ceramic cloth.

The Examiner has also rejected Claims 1, 2, 4 and 5 under 35 U.S.C. § 103(a) as being obvious over **Tao** (U.S. Patent Pub. No. 2002/0015877) in view of **Ishida** or **Berger**. Similar to Pesavento above, neither Tao, Ishida nor Berger teaches or suggests the manufacture or use of a

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fuel cell including an alkaline earth carbonate and/or a ceramic cloth.

The Examiner has also rejected Claims 1, 3, 5 and 6 under 35 U.S.C. § 103(a) as being obvious over **Cooper** (U.S. Patent Pub. No. 2002/0106549) in view of **Ishida or Berger**. Neither Cooper, Ishida nor Berger teaches or suggests the manufacture or use of a fuel cell comprising the configuration of Claims 1 and 3, as amended herein, that can function at an operating temperature in the range of 135°C and about 170°C.

Therefore, Applicant submits that the fuel cell of the currently pending claims is not anticipated or rendered obvious by the cited references of Ishida, Pesavento, Berger, Tao, and/or Cooper and respectfully request the Examiner's rejections based on these references be reconsidered and withdrawn in light of the claim amendments and remarks made herein.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,
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